

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**MARK MONDRAGON o/b/o
D.M. a minor child,**

Plaintiffs,

vs.

Case No. _____

**RIO RANCHO PUBLIC SCHOOLS,
BOARD OF EDUCATION and
GEORGE ARCHULETA in his
Individual and official capacity,**

Defendants.

NOTICE OF REMOVAL

Defendant George Archuleta, by and through counsel Carlos M. Quiñones, Quiñones Law Firm LLC, states:

1. Pursuant to 28 U.S.C. §§ 1331, 1441, 1443, and 1446, Defendant George Archuleta, in his individual and official capacity, herein exercises his rights, to remove this action from the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico, where this case is now pending by the name and style of Mark Mondragon o/b/o D.M. a minor child v. Rio Rancho Public Schools, Board of Education and George Archuleta in his Individual and official capacity, Case No. D-1329-CV-2021-00390. Plaintiffs' action arises, in part, out of alleged violations of Plaintiffs' rights pursuant to 42 U.S.C. § 1983.

2. This Court has original jurisdiction as provided in 28 U.S.C. § 1331 in that the cause arises under the Constitution and laws of the United States brought pursuant to 42 U.S.C. § 1983. See e.g., Complaint at Count I (Illegal Search and Seizure under the Fourth Amendment (42 U.S.C. Sec. 1983)).

3. Further, the removing Defendant states that this Court has supplemental jurisdiction, pursuant to 28 U.S.C. § 1367, over the state law claims since said claims are so related to the federal law claims that they form part of the same case and controversy under Article III of the United States Constitution.

4. On May 6, 2021, counsel for Defendant Archuleta accepted service of the Summons, Complaint and Jury Demand attached hereto as Exhibit A.

5. This Notice of Removal is timely under 28 U.S.C. § 1446(b).

6. Non-removing Defendants Rio Rancho Public Schools, Board of Education consent to the removal of this action as shown by the attached consent signed by their counsel. See, Exhibit B.

7. Therefore, there is unanimity of all Defendants consenting to this removal.

8. Pursuant to 28 U.S.C. § 1446(d), written notice of this Notice of Removal has been given to all adverse parties and an endorsed copy will be filed contemporaneously with the Clerk of the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico.

9. Removing Defendant is also attaching a copy of the www.nmcourts.gov court docket as of May 6, 2021. See Exhibit C.

10. Pursuant to D.N.M. LR-Civ.81.1(a), a certified copy of the State Court file is attached hereto as Exhibit D.

WHEREFORE, the removing Defendant respectfully requests this Court to remove this action from the Thirteenth Judicial District Court, County of Sandoval, State of New Mexico to the United States District Court for the District of New Mexico.

Respectfully submitted:

QUIÑONES LAW FIRM LLC

/s/ Carlos M. Quiñones, Esq.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing was served to the following counsel of record via email this 6th day of May 2021:

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